



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0382

Introduced 2/7/2007, by Sen. Susan Garrett

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/Art. 11 Div. 13.1 heading new  
65 ILCS 5/11-13.1-1 new  
65 ILCS 5/11-13.1-2 new  
65 ILCS 5/11-13.1-3 new  
65 ILCS 5/11-13.1-4 new  
65 ILCS 5/11-13.1-5 new  
65 ILCS 5/11-13.1-6 new  
65 ILCS 5/11-13.1-7 new  
65 ILCS 5/11-13.1-8 new

Amends the Municipal Code. Adds a Division to the Code that allows municipalities to enact design review ordinances. Sets forth design review factors. Provides that the Division may be enforced by an administrative body designated by the municipality. Contains other provisions. Effective immediately.

LRB095 06569 HLH 28956 b

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by adding  
5 a heading to Division 13.1 of Article 11 and by adding Sections  
6 11-13.1-1, 11-13.1-2, 11-13.1-3, 11-13.1-4, 11-13.1-5,  
7 11-13.1-6, 11-13.1-7, and 11-13.1-8 as follows:

8 (65 ILCS 5/Art. 11 Div. 13.1 heading new)

9 DIVISION 11-13.1

10 AESTHETIC DESIGN REVIEW AUTHORITY

11 (65 ILCS 5/11-13.1-1 new)

12 Sec. 11-13.1-1. Declaration of policy. It is hereby found  
13 and declared that in all municipalities the promotion and  
14 maintenance of the aesthetic quality and character in the  
15 design of buildings and structures is necessary and desirable  
16 to achieve sound community planning for the municipality and to  
17 maintain and preserve the public health, safety, morals, and  
18 welfare. The powers granted to municipalities under this  
19 Division are directed to those ends, and the use of those  
20 rights and powers for the regulation of property is hereby  
21 declared to be a public use essential to the public interest.

1 (65 ILCS 5/11-13.1-2 new)

2 Sec. 11-13.1-2. Powers of the corporate authorities. The  
3 corporate authorities in all municipalities shall have the  
4 power to regulate by ordinance the external aesthetic design  
5 and features of all buildings and structures in any or all  
6 zoning districts of the municipalities, to regulate by  
7 ordinance the materials used to achieve those designs and  
8 features, and to provide by ordinance special conditions as  
9 appropriate with respect to the construction of those buildings  
10 or structures. Any such regulations, special conditions, or  
11 other measures, shall, if adopted in the exercise of the police  
12 power, be reasonable and appropriate to maintaining the  
13 aesthetic quality and character of buildings and structures in  
14 the community. For purposes of this Division, the term  
15 "construction" shall include, without limitation,  
16 construction, alteration, demolition, rehabilitation, and  
17 reconstruction.

18 (65 ILCS 5/11-13.1-3 new)

19 Sec. 11-13.1-3. Establishment of administrative body. The  
20 purposes and powers of this Division may be administered by any  
21 special commission, board, department, agency, or bureau of the  
22 municipality or by one or more existing commissions, boards,  
23 departments, agencies, or bureaus of the municipality, or by a  
24 specifically designated officer, or by any combination  
25 thereof. The municipality may provide by ordinance for a

1 division of functions among these entities. The words "the  
2 municipality" or "administrative body" as used in reference to  
3 the administration of this Division include any commission,  
4 board, department, bureau, officer, or other agency of the  
5 municipality given any such administrative powers. The number  
6 of members that shall sit on any such commission, board,  
7 department, agency, or bureau shall be as provided by  
8 ordinance. The members of any such commission, board,  
9 department, agency, or bureau shall be appointed by the  
10 president or mayor of the municipality subject to the approval  
11 of the corporate authorities.

12 (65 ILCS 5/11-13.1-4 new)

13 Sec. 11-13.1-4. Mandatory design review factors. All  
14 regulations or measures of a municipality implemented pursuant  
15 to an ordinance enacted under this Division shall consider  
16 without limitation the following factors:

17 (a) whether the proposed construction will be of such  
18 external appearance, design, or nature as to be generally  
19 compatible with the style and design of surrounding  
20 buildings and structures and shall not constitute an  
21 unsightly, grotesque, or unsuitable structure in  
22 appearance that would be detrimental to the welfare of the  
23 surrounding buildings and structures or residents;

24 (b) whether the proposed construction demonstrates  
25 sufficient variety in the design of the structure to avoid

1 monotony in appearance; and

2 (c) whether the proposed construction will have an  
3 adverse, neutral, or positive impact on the stability of  
4 property values in the surrounding area.

5 No one factor listed in this Section shall be determinative  
6 of a municipality's decision to grant or deny an application  
7 pursuant to an ordinance enacted under this Division.

8 (65 ILCS 5/11-13.1-5 new)

9 Sec. 11-13.1-5. Additional design review factors. Any  
10 regulations or measures of a municipality implemented pursuant  
11 to an ordinance enacted under this Division may also consider,  
12 without limitation, the following factors:

13 (a) whether the proposed construction will be  
14 consistent with the buildings and structures in the zoning  
15 district where the proposed construction is situated;

16 (b) whether the proposed construction lends itself to  
17 the proper architectural development of the municipality  
18 or defined portion of the municipality;

19 (c) whether the proposed construction meets the  
20 customary architectural requirements in appearance and  
21 design for a building or structure of the particular type  
22 being proposed (including Colonial, Tudor English, French  
23 Provincial, or Modern); and

24 (d) whether the proposed construction coordinates the  
25 components of design on all elevations with regard to

1 color, materials, architectural form, and detailing to  
2 achieve design harmony and continuity.

3 No one factor listed in this Section shall be determinative  
4 of a municipality's decision to grant or deny an application  
5 pursuant to an ordinance enacted under this Division.

6 (65 ILCS 5/11-13.1-6 new)

7 Sec. 11-13.1-6. Actions by the administrative body. A  
8 municipality may provide by ordinance that, prior to or upon  
9 the filing of an application for a building permit for  
10 construction affecting the exterior appearance of a building or  
11 structure, design review pursuant to this Division is required.  
12 The ordinance providing for design review shall include a  
13 public review process that may include a public hearing. The  
14 public review process shall be completed within 90 days after  
15 the filing of an application as provided in the ordinance, and  
16 failure to act within such period shall be deemed an approval  
17 of the application unless the applicant otherwise consents. An  
18 ordinance may provide for an appeal of the administrative  
19 body's determination to the corporate authorities of the  
20 municipality, provided that any such appeal shall be considered  
21 and acted upon within 35 days after the filing of the appeal.

22 (65 ILCS 5/11-13.1-7 new)

23 Sec. 11-13.1-7. Review of local decisions. A municipality  
24 adopting an ordinance pursuant to this Division shall provide

1 for the manner in which its decisions may be judicially  
2 reviewed. The municipality may expressly elect that the  
3 ordinance will be subject to judicial review pursuant to the  
4 provisions of the Administrative Review Law. If no such  
5 election is made, judicial review shall be de novo.

6 (65 ILCS 5/11-13.1-8 new)

7 Sec. 11-13.1-8. Severability. If any provision, clause or  
8 phrase of this Division or the application thereof to any  
9 person or circumstance is held invalid, such invalidity shall  
10 not affect other provisions or applications of this Division  
11 that can be given effect without the invalid provision or  
12 application, and to this end the provisions of this Division  
13 are declared to be severable.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.